IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5398 of 2007(K)

(CRIME NO.661/2007 OF VATUKARA POLICE STATION)

PETITIONER

K.RAJEEV,AGED 38 YEARS,
S/O.LATE VIJAYAN,
"POURNAMI NIVAS",
P.O.KARAPARAMBA,
KATCHERI AMSOM AND DESOM,
KOZHIKODE THALUK.

BY ADV. SRI.MANJERI SUNDERRAJ

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA,
REP.BY STATION HOUSE OFFICER,
VATAKARA POLICE STATION,
VATAKARA,KOZHIKODE.

2. THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5398 of 2007

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Dated this the 7th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner along with three others faces allegations for offences punishable under Secs.406 and 420 IPC. The petitioner is an employee of a Chitty company. The crux of the allegations is that an amount deposited by the de facto complainant was not returned to him by the Chitty company. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner was only an employee of that Chitty company. There is no contumacious or culpable liability for the petitioner for the alleged non-return of amount to the de facto complainant. The petitioner may, in these circumstances, be granted anticipatory bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor after taking instructions does not oppose the application. The learned Public Prosecutor

submits that the investigation conducted so far does not persuade the Investigating Officer to accept the need to arrest the petitioner. Appropriate condition may, in these circumstances, be imposed, submits the learned Public Prosecutor. I am satisfied that anticipatory bail can be granted to the petitioner subject to appropriate conditions.

4. In the result, this petition is allowed. The following directions are issued under Sec.438 Cr.P.C., in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14.09.07.

ii) He shall be released on regular bail on condition that they execute a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 15/09/2007 and 16/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioner shall appear as and

when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 14.09.2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14.09.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE